

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant  | : Suder, et al.                            | Art Unit  | : 2616        |
| Serial No. | : 10/072,343                               | Examiner  | : Hanh Nguyen |
| Filed      | : February 7, 2002                         | Conf. No. | : 4155        |
| Title      | : QUALITY OF SERVICE IN A REMOTE TELEPHONE |           |               |

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

In response to the Notice having a mailing date of April 5, 2007, Applicants respond as follows:

In the Notification, the Examiner has asserted that the Section II, STATUS OF CLAIMS, must identify the appealed claims. In response, Applicants respectfully reply that the status of the claims should be as follows:

Claims 1-46 are pending in the application.

Claims 35-46 are allowed.

Claims 1-34 stand rejected and are hereby appealed.

The Examiner then asserts that the SUMMARY OF CLAIMED SUBJECT MATTER is insufficient in that independent claim 22 is not described so as to identify the specification and drawings supporting the independent claim. Applicants respectfully traverse this assertion. This portion of the Appeal Brief specifically states that claim 22 recites similar limitations, clearly referring to the limitations of claim 16 which are described in the preceding paragraph. The paragraph pertaining to claim 22 then goes on to state that claim 22 recites that the modem is coupled to a wide-area network 201, and states that such a wide-area network is illustrated Figure 3. If the Examiner would simply look at claims 16 and 22, the Examiner would note that the limitations are very similar except for the limitation that the modem is coupled to a wide-area network. Therefore, in the SUMMARY OF THE CLAIMED SUBJECT MATTER, Applicants have provided a sufficient explanation as to how the limitations of claim 22 are supported within

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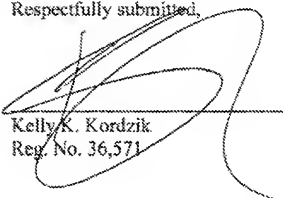
Attorney's Docket No.: 21618-012001

the specification and the drawings. Applicants are dismayed by the Examiner's objection of the Appeal Brief due to this technicality, which takes form over substance to an extreme, resulting in the delay of an issuance of a patent to Applicants.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: April 11, 2007



Kelly K. Kordzik  
Reg. No. 36,571

Fish & Richardson P.C.  
One Congress Plaza, Suite 810  
111 Congress Avenue  
Austin, TX 78701  
Telephone: (512) 226-8148  
Facsimile: (512) 320-8935